IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 6656 of 2007(P)

PETITIONER:

THE HOUSING DEVELOPMENT FINANCE CORPORATION LTD. (HDFC LTD.), HDFC HOUSE, 3RD FLOOR, RAVIPURAM JUNCTION, M.G.ROAD, KOCHI-682 105, REPRESENTED BY ITS AUTHORIZED OFFICER.

BY ADV. SRI.KKM.SHERIF
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.RUKMA S RAJ

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOZHIKODE.

2. THE ADDITIONAL DISTRICT MAGISTRATE, KOZHIKODE.

3. THE TAHASILDAR, KOZHIKODE TALUK, KOZHIKODE.

4. THE VILLAGE OFFICER, VALAYANAD VILLAGE, KOZHIKODE DISTIRCT. (DELETED)

(4th RESPONDENT DELETED FROM THE PARTY ARRAY AS PER ORDER ON I.A. NO.5493/07 DATED 13.04.07)

5. JYOTHEENDRAN.E., APARTMENT NO.5, NIDHI APARTMENTS, AZCHAVATTOM, KOZHIKODE.

6. BABY ELAVEETTIL, ELAVEETTIL HOUSE, AZCHAVATTOM, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.6656/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE NOTIFICATION DATED 10.11.03 ISSUED BY THE CENTRAL GOVERNMENT.

EXT.P2: TRUE COPY OF THE NOTICE DATED 13.02.2006.

EXT.P3: TRUE COPY OF THE APPLICATION 16.01.06.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.6656 OF 2007

DATED THIS THE 13th DAY OF APRIL, 2007

JUDGMENT

The petitioner is a non-banking financial institution. It proceeded against respondents 5 and 6 for recovery of loan amounts. Notices were issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Now they want to take possession of the property for which they have sought the help of the Additional District Magistrate by filing Ext.P3 application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002. The petitioner seeks a direction to the 1st respondent to consider and pass appropriate orders in accordance with the provisions of the Act expeditiously.

Having heard both sides, I direct the 1st respondent to consider and pass appropriate orders on Ext.P3 as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd